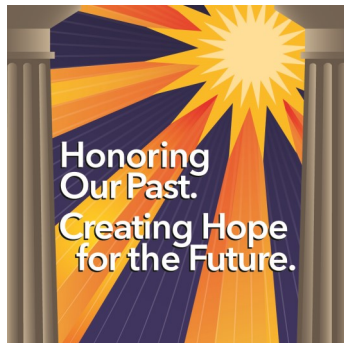


THE VICTIMS' VOICE

Summer 2019 Newsletter



RECAP: NATIONAL CRIME VICTIMS' RIGHTS WEEK



On Wednesday, April 10, 2019 The Office of The Victim Advocate hosted a Victims' Rights Symposium to provide attorneys, law enforcement and service providers with information and tools to better assist the crime victim community. Representatives from the CT Alliance to End Sexual Violence & Victims' Rights Center of CT, CT Coalition Against Domestic Violence, Office of the Victim Advocate, Office of Vic-

tim Services - Judicial Branch and Survivors of Homicide participated in breakout sessions highlighting current policies, changes and challenges service providers and victims of crime encounter while navigating the criminal justice system.

This symposium was attended by more than one hundred people from across Connecticut representing police departments, court houses, hospitals, schools and local and state service agencies. Feedback received was very positive and our agency hopes to be able to host this event at least bi-annually.

For photos of the event see page: 8

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CONTACT OUR OFFICE

TOLL FREE

1-888-771-3126

VISIT US ONLINE

WWW.CT.GOV/OVA



Did you know that The Office of The Victim Advocate offers **FREE** training on various topics covering Crime Victims' Rights, Identity Theft, Senior Awareness and can customize any training to fit your organizations' needs? Contact 860-550-6632 today for more details!

2019 LEGISLATIVE UPDATES



In the 2019 Legislative Session, three bills were proposed to protect or enforce crime victims' constitutional rights. **HB 7314, An Act Concerning a Crime Victim's Participatory Rights in a Violation of Probation or Conditional Discharge Hearing** would have ensured that crime victims are provided notice of a violation of probation and the opportunity to attend the hearing and provide a statement to the court regarding said violation. **HB 7349, An Act Concerning Identify Theft Victim Access to Records** would have created an exemption to allow crime victims of identity theft to access the court file for the purposes of repairing their credit when the defendant applies for the pre-trial accelerated rehabilitation program (a program that erases the defendant's criminal record). Currently, when a defendant applies for the program, the court files are immediately closed to all, and remains so if the application is granted. **House Joint Resolution 29, Resolution Proposing an Amendment to the State Constitution Concerning Crime Victims' Rights** would have provided an opportunity for a remedy when a crime victim's rights are violated. None of these proposals were passed during the Legislative Session.

Two laws were passed that will eliminate or restrict crime victims ability to engage in the criminal justice process. Section 1 of P.A. 19-187 requires that any juvenile matter transferred to the adult criminal docket be private and confidential from other proceedings pertaining to adults charged with crimes. As written, crime victims will be excluded from the courtroom. PA 19-110 allows the court to order the suspension of juvenile delinquency proceedings for motor vehicle theft for up to one year, while the offender seeks treatment or other services. If the offender complies with the treatment plan, the charges may be dismissed. This will impact crime victims' rights to seek restitution and obtain needed records for insurance claims. The State Victim Advocate is in discussions with policy makers to ensure that there is clear language that crime victims will not be excluded from the process or unduly harmed by the delayed hearings.

All Victims of Crime

Public Act No. 19-84, An Act Concerning Minor Revisions to Special Parole and Parole Discharge Statutes

- Requires the Judicial Branch's Office of Victim Services (OVS) to notify certain victims that the Board of Pardons and Paroles intends to consider terminating a person's special parole period. It allows any victim to submit a statement to the board about such special parole termination
- The bill makes various changes to the parole and special parole review processes, including establishing a panel and process for special parole that is separate and distinct from the regular parole review process

Public Act No. 19-64, An Act Concerning Court Operations (in part)

- Adds victim services advocates employed by the Judicial Branch to the list of professionals who the law designates as mandated reporters of child abuse and neglect
- Allows the Office of Victims Services or a victims compensation commissioner to order compensation for pecuniary loss to an injured victim or the relatives or dependents of an injured or deceased victim for attendance at juvenile proceedings and Board of Pardons and Parole hearings

Victims of Domestic Violence

Public Act No. 19-146, An Act Requiring the Provision of Information Concerning Domestic Violence Services and Resources to Students, Parents and Guardians

- Requires the Office of Victim Services, in consultation with the Connecticut Coalition Against Domestic Violence, to compile information on domestic violence victim services and resources and provide such information to the State Department of Education
- Requires the State Department of Education to publish the information on its website
- Requires the State Department of Education to disseminate the above information to local and regional school boards
- Requires each school board to provide the information to any student, parent or guardian who expresses to a school employee that they do not feel safe in the home because of domestic violence

Victims of Domestic Violence (continued)

Public Act No. 19-189, An Act Concerning the Parity Between Sexual Assault in the Case of a Spousal or Cohabiting Relationship and Other Crimes of Sexual Assault and Concerning the Investigation of a Family Violence Crime

- Narrows the exceptions for police, while responding to a family violence complaint, to arrest the person the officer believes is the dominant aggressor

Public Act No. 19-43, An Act Concerning the Confidentiality of Law Enforcement Records Concerning Victims of Sexual Assault and Family Violence

- Expands the disclosure exemption to the Freedom of Information Act to include identifying information of victims of family violence

Victims of Sexual Assault

Public Act No. 19-189, An Act Concerning the Parity Between Sexual Assault in the Case of a Spousal or Cohabiting Relationship and Other Crimes of Sexual Assault and Concerning the Investigation of a Family Violence Crime

- Repeals the law that specifically criminalizes sexual assault in a spousal or cohabiting relationship and repeals exemptions for married individuals in sexual assault statutes

Public Act No. 19-16, An Act Combatting Sexual Assault and Sexual Harassment

Public Act No. 19-93, An Act Concerning Sexual Harassment and Sexual Assault

- Enhances employer sponsored training on sexual assault and sexual harassment
- Expands the definition of discriminatory practice in the Commission on Human Rights and Opportunities (CHRO) statutes to include, an employer's failure to provide sexual harassment training
- Makes various changes concerning sexual assault, sexual harassment, discrimination complaints filed with CHRO
- Extends the time for filing a civil case related to sexual abuse for victims under 21
- Increases the penalty for subjecting someone to sexual contact if the victim is mentally incapacitated and cannot consent
- Eliminates or extends the statute of limitations for various sexual assault and related crimes

Public Act No. 19-114, An Act Concerning Sexual Assault Forensic Examiners

- Makes various changes to the Office of Victim Services' (OVS) Sexual Assault Forensic Examiner (SAFE) program

Public Act No. 19-43, An Act Concerning the Confidentiality of Law Enforcement Records Concerning Victims of Sexual Assault and Family Violence

- Expands the disclosure exemption to the Freedom of Information Act to include identifying information of victims of sexual assault and related crimes

Vulnerable Victims

Public Act No. 19-116, An Act Concerning Registries of Persons Found Responsible for Assaults or Other Abuse, Neglect, Exploitation or Abandonment of Elderly Persons or Persons with Disabilities

- Requires the executive director of the Commission on Women, Children, and Seniors to provide a portal on the commission's website that includes links to publicly available background databases
- Convene a working group to develop strategies to raise public awareness of these databases to people hiring providers to care for adults aged 60 and older, children, or individuals with disabilities

Victims of Juvenile Offenders

Public Act No. 19-110, An Act Concerning the Suspension of Delinquency Proceedings for Treatment or Other Services in Motor Vehicle Theft or Misuse Cases and Concerning Detention of Juveniles

- Allows a child charged with a delinquency offense involving a motor vehicle to request a suspension of the delinquency proceedings for up to six months, during which time the child must participate in services to address any condition or behavior directly related to the offense, **without notification to the victim or an opportunity to be heard prior to the suspension**

Public Act No. 19-187, An Act Concerning Confidentiality in the Case of a Discretionary Transfer of a Juvenile's Case to the Regular Criminal Docket and Implementing the Recommendations of the Juvenile Justice Policy and Oversight Committee (*in part*)

- Makes the proceedings and records of cases transferred from juvenile to adult court confidential, **strips crime victims of their constitutional rights to be notified, attend and be heard in adult criminal proceedings**



Changes in law – Risk Reduction Earned Credit (RREC)

In 2011, the Risk Reduction Earned Credit (RREC) program was established by law as an incentive to promote good behavior and program participation among prison inmates. Inmates may earn three to five days per month toward the reduction of their sentence. The Connecticut State Legislature subsequently amended the law to prohibit offenders of violent crimes from earning RREC (Public Act 13-3 and 15-216).

In 2018, two inmates, who were sentenced for multiple violent crimes, filed lawsuits against the Department of Corrections (*Breton v. Commissioner of Correction* (330 Conn. 462, 2018) and *Grant v. Commissioner of Correction*). The inmates claimed that their rights had been violated since the law had been applied retroactively and they lost credits and future earning potential. The Connecticut Supreme Court agreed with the inmates.

To access the full list with more details visit:
<https://www.ct.gov/ova> Crime Victim Information Tab



Town of Middlefield, Connecticut

The Office of The Victim Advocate was invited by Middlefield Housing Authority to provide a presentation on identity theft. The training, conducted by Merit Lajoie, Complaint Officer, was well received. The residents were surprised to learn about the dangers of identity theft and how it can affect anyone, especially our elder community as it is targeted more than others.



As part of its mandate, the Office of The Victim Advocate conducts educational events regarding crime victim rights among other topic areas. Training has been offered to various senior centers, housing authorities, police departments, judicial personnel and more.

All trainings are free of charge and can be tailored to meet your specific needs. Contact our office today if you are interested in learning more about this opportunity to help share information and resources among our community in Connecticut.

Call 860-550-6632 or email: vanessa.m.torres@ct.gov

Constitution of the State of Connecticut Article XXIX Rights of Victims of Crime

In all criminal prosecutions, a victim, shall have the following rights:

The right to be treated with fairness and respect throughout the criminal justice process;

- The right to timely disposition of the case following the arrest of the accused provided no right of the accused is abridged;
- The right to be reasonably protected from the accused throughout the criminal justice process;
- The right to notification of court proceedings;
- The right to attend the trial and all other court proceedings the accused has the right to attend, unless such person is to testify and the court determines that such person's testimony would be materially affected if such person hears other testimony;
- The right to communicate with the prosecution;
- The right to object to or support any plea agreement entered into by the accused and the prosecution and to make a statement to the court before the acceptance by the court of the plea of guilty or nolo contendere by the accused;
- The right to make a statement to the court at sentencing;
- The right to restitution which shall be enforceable in the same manner as any other cause of action or as otherwise provided by law;
- The right to information about the arrest, conviction, sentence, imprisonment, and release of the accused. ground for appellate relief in any criminal case.



The Office of The Victim Advocate would like to thank WPKN 89.5 FM for providing the agency with an opportunity to record and air a Public Service Announcement.



The Underground is a grass-roots, faith-based initiative dedicated to ending sex

trafficking and sexual exploitation in Connecticut.

CT Welcomes Amirah Program and The Transitional Home!

Amirah was founded in 2009 by a group of individuals seeking to join the anti-sex trafficking movement. Through connections with law enforcement, the group decided to meet the greatest need for survivors in New England: aftercare recovery. Today, Amirah is the only credited Tier 3 safe home in all of New England according to Homeland Security and is recognized as a national leader in the recovery of survivors of sex trafficking. Amirah has secured a safe home location in the Greater Hartford area - the first home of its kind in Connecticut!

HELP NEEDED:

- Teams of 5-10 people are needed to adopt a room and help clean, paint, furnish and decorate into a lovely space. Contact Annmarie at theundergroundct@gmail.com to register your group.
- Volunteers are needed in various ways when the home opens. If you are interested in learning more, please complete Amirah's volunteer form by clicking [here](#).

For more information visit:

<https://www.amirahinc.org/>

<https://www.theundergroundct.org/>

NEVER GIVING UP- A VICTIMS PERSPECTIVE

Diane Wilczewski contacted The Office of The Victim Advocate after learning that the disposition in the case involving her daughter's killer was based on information presented to the court that later was found to be inaccurate. Courtney Wilczewski was killed on May 26, 2015 by Felix Pagan involving a motor vehicle . He was charged and plead guilty to negligent manslaughter.

Life without Courtney is beyond difficult. To this day, it is sometimes hard to catch my breath. I have yet to find the perfect words to describe our daily pain without her. It is an ache in our hearts and souls that is immeasurable. Our family's life since that day is defined as before and after. It is impossible to explain to anyone how much Courtney is loved and missed. We can only tell you that our suffering has not ended. Something went very wrong and I strongly believe that many people were involved in our family not receiving justice for the killing of our beautiful daughter Courtney.

Our family acknowledges and understands that negligent homicide doesn't carry a lengthy prison term, even in cases of death because sometimes there are true accidents. Courtney's death was not an accident.

- During the sentencing hearing, information regarding the defendant's health was provided to the court and the prosecutor through the presentence investigation report (PSI).
- Upon hearing this information for the first time in court, we made decisions as a family regarding our opinion of the proposed disposition. We feel this information strongly persuaded the prosecutor and Judge to sentence the defendant to only 30 days in jail for Courtney's death.
- We later learned that the information that was presented was extraordinarily misleading, if not false.
- The defendant caused the death of Courtney and escaped real accountability because the infor-

mation contained in the PSI had not been verified.

This is an injustice to Courtney.

CHANGES NEEDED:

While the PSI is routinely held as confidential, any information contained

in the PSI that may have a direct impact on the proposed disposition, at minimum, should be available to the victim prior to the sentencing. Additionally, I do agree that certain portions of the PSI concerning a defendant's mental health should remain confidential. However, even the victim impact portion of the PSI is not available to the victim. As a victim, hearing information from the PSI in court for the first time, there is no ability for the victim to challenge the information or correct any statements if the probation officer got it incorrect. This absolutely goes against the spirit of the victim's rights being heard because we have no opportunity to know that information and then challenge it when we make our statement.

We have a right to make a meaningful statement to the court. How can our statement be meaningful when information is being hidden from us? Victims should at the very least have access to their impact portion to review what was told to the probation officer and ensure it was accurately depicted. Further, in cases where there is a plea agreement, a PSI is being done, there is an open end to sentence, or a range of time and something has been inserted (such as medical diagnosis) a victim should be notified so they can respond and potentially change what was previously agreed upon. Hiding this information and having a victim hear it in court for the first time is devastating.

Continued on next page...



Courtney Wilczewski
May 28, 1992 – May 26, 2015

A policy needs to be implemented to get this type of information shared with victims in advance. This happened in our case and we strongly feel that the information, which we later learned was erroneous, changed the outcome of the case and our understanding of what was going to happen. To later learn that information was inaccurate was a second knife to our heart because it appears to have been done underhandedly and no one is being held accountable for it. Since reaching out and having many conversations with people involved in the process, I was told that information in the PSI regarding the defendant's illness had been checked. There also needs to be a clear distinction between a terminal illness and someone that is terminally ill. Many of the answers to our questions appear to be self-serving albeit the people I spoke with had good intentions. I truly believe the real violation was information kept from us but provided to the judge in an attempt to minimize the defendant's sentence. We were cheated and deserved the chance to feel informed.

THE REST OF OUR LIVES

Our family has a lifetime sentence never seeing our beautiful daughter again, watching her reach her goals of becoming a physician, a wife and a mother. This will never go away and what will continue to haunt us forever is that her perpetrator was never held accountable and never accepted responsibility and did everything to minimize his ridiculously short sentence and probation. We can never change what happened to our family but we will make every effort to make it more fair for others.

Diane Wilczewski,
Courtney's devastated mom

**SURVIVORS
of
HOMICIDE**



If you or someone you know has lost a loved one at the hands of another, Survivors of Homicide is an excellent resource that offers support and guidance. CALL: 860-257-7388 or visit it www.survivorsofhomicide.com

IT IS NEVER TOO LATE- AN ADVOCATES PERSPECTIVE

In life we learn from what is working and what is not. The majority of the OVA's work is dependent on calls and information received to make us aware of issues happening in the criminal justice community. Calls regarding such situations help us to ensure victim services and rights are upheld, and if they are not, we can implement a plan to address those issues. Like Diane, when a victim calls our office many times after a case is closed little can be done to change that outcome—but it is never too late.

Each victim experiences the criminal justice process and system differently. This story shares the Wilczewski family's first hand experience as victims and because of what they experienced, suggested changes. Although the changes they seek will not affect their situation specifically, that is not the intent, they want to ensure what happened to them does not happen to anyone else.

The issues presented by the victim caused the OVA to meet with probation officials regarding the PSI process and the verification of information in the PSI. The OVA will continue to work with probation to ensure that the policies and procedures relating to the PSI are consistent with the rights of crime victims in Connecticut. Shortly after learning of Diane's experience, House Bill No. 7378, An Act Concerning Negligent Homicide with a Motor Vehicle and Illegal Racing was proposed. The OVA routinely monitors legislative proposals that may impact crime victims and notified Diane of this bill. The victim submitted testimony in support of the proposal, which would increase the penalty in cases of negligent homicide with a motor vehicle from a maximum of 6 months to a maximum of 3 years in prison. Public Act No. 19-53 was signed by Governor Lamont on June 26, 2019 and is effective October 1, 2019.

It is never too late to take steps to implement change that will improve our systems. Thank you Diane for sharing your story.



Proclamation National Crime Victims Rights Week



State Victim Advocate Natasha Pierre, JD, MSW



Pictured from the left: Hakima Bey-Coon (OVA), Valina Carpenter (OVS), Jessica Pizzano (SOH), Maura Crossin, Laura Varelans (CT Alliance), & Kelly Anelli (CCADV). Back row: Natasha Pierre (OVA).

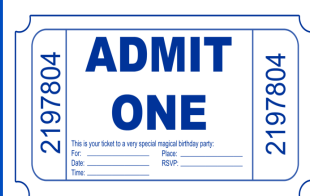


2019 GOLF TOURNAMENT TO BENEFIT

SURVIVORS OF HOMICIDE, INC.

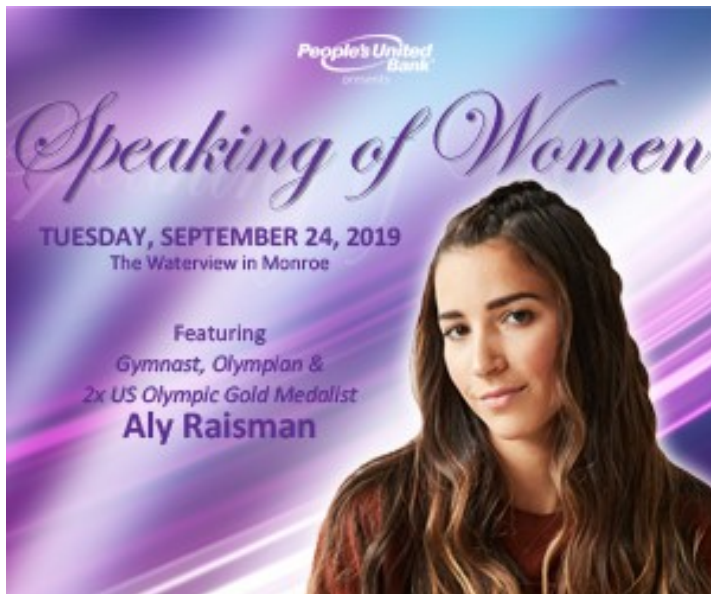
Saturday, September 21st, 2019.

For more details visit
www.survivorsofhomicide.com



Hosting an event?

The OVA is happy to help promote events such as trainings, fundraisers and more regarding crime victim services. Email: ova.info@ct.gov



MADD DASH 5K

AUGUST 3 @7:30 AM – 11:00 AM

For registration and more details visit:
www.madd.org/connecticut/

- VISIT US -

Staff from the OVA will be at the following events. Stop by and say hello!

August 12th

10:00AM to 3:00PM

**Charter Oak Health Center's
14th Annual Health Fair &
Block Party**

Hungerford & Park Street

September 18th

10:00AM to 12:00PM

**CJPAC Victim Issues
Subcommittee Meeting
Office of Victim Services
225 Spring Street
Wethersfield, CT**

October 16th

9:00AM-2:00PM

**Youth & Family Services of
Haddam-Killingworth
Wellness Fair**

***Haddam Killingworth High School,
95 Little City Road, Higganum CT***

